

April 8, 1975

did not have the Attorney General represent us, I believe that it is essential that we adopt this resolution and have ourselves represented and he will in turn tell us what we have to do and what we will have to do from this point forward.

PRESIDENT: Chair recognizes Senator Burbach.

SENATOR BURBACH: I will read to you 84-209. It shall be the duty of the Attorney General when requested by resolution of the Legislature to appear for and prosecute or defend any action instituted or now pending in any of the courts in the state against any member of the legislature for or on account of any word spoken or any act or thing done in the course of the legislative procedure, or with relation to any act measure, resolution, report, speech or debate or other matter had or transacted by the Legislature or in connection therewith. This is a statute that I am basing the resolution on, it shall be the attorney of the Attorney General when requested by resolution of the Legislature to appear for and so forth. This is an existing statute and the only way that the attorney general would have the responsibility or the proper authority to represent us collectively, and I think that if we did not pass this resolution then we would be individually have to appear in some way to the Federal Court.

PRESIDENT: May I at this time take the opportunity to introduce 55 5th grade students and 4 adults from Bloomfield Elementary School from Ralston, Nebraska, Senator Koch's district with their instructors. The debate going on now concerns a law suit filed by former Senator Terry Carpenter contesting the election. Welcome to the Nebraska Legislature. The Chair now recognizes senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, members of the Legislature. I would think that the resolution should be adopted. It is a simple question, the legislature has acted in this matter. A law suit has been filed with regard to the matter and we are party defendant to the matter as a public entity, the Attorney General has the proper responsibility to represent us in those cases in which we have been made a party defendant such as in this case, and it is entirely appropriate that he represent us and defend the actions that this legislature took which may be an issue in this law suit. Senator Chambers attempted to say that we did not take any actions that can or should be defended. The simple facts of the matter are that we did take action, if those actions are at issue in the law suit, then this legislature owes the public the responsibility that they be represented in the court and the appropriate person to do that in the case of the legislature is the Attorney General and he should therefore do it pursuant to our request.

PRESIDENT: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Let Senator Duis go first.